



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: §  
Yair FELD et al §  
Serial No.: 09/691,889 §  
Filed: October 20, 2000 § Group Art Unit: 1632  
For: Nucleic Acid Constructs And Cells, §  
And Methods Utilizing Same For §  
Modifying The Electrochemical §  
Conductance Of Excitable Tissues. §  
Examiner: Anne-Marie Falk §  
§ Attorney  
§ Docket: 00/20989

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Sir:

This is in response to Notice of Non-Compliant Amendment under 37 CFR §1.121 dated September 21, 2006, which response is being made on or before October 21, 2006, and for which no extension of time fees are due.

In said Notice, the Examiner states that the reply filed on July 6, 2006, is not fully responsive because it fails to include a complete and accurate record of the substance of the telephonic interview conducted on June 15, 2006.

The following summarizes Applicant's recollection of the interview prepared according to Applicant's notes.

35 U.S.C. 112, first paragraph enablement rejections were discussed during the interview. Applicant presented the Examiner with experimental results which were produced following filing of the instant application while using its teachings. The Examiner indicated that she would consider these results once filed in the response. The Examiner indicated that she would prefer that the results were

produced in animal models for the claimed indications, using cells and gene expression tools which are supported by the specification.

In view of the above it is respectfully submitted that Applicant has amended the deficiencies described in the Notice of Non-Compliant Amendment.

Respectfully submitted,



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October 18, 2006